

1 AN ACT in relation to juries.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Jury Act is amended by changing Sections  
5 4.1, 5, 8, 10.2, and 15 and adding Section 10.3 as follows:

6 (705 ILCS 305/4.1) (from Ch. 78, par. 4.1)

7 Sec. 4.1. Jury duty; notice to employer; right to time  
8 off.

9 (a) Any person who is not legally disqualified to serve  
10 on juries, and has been duly summoned for jury duty for  
11 either petit or grand jury service, shall not be required or  
12 requested to use annual, vacation, or sick leave for time  
13 spent responding to a summons for jury duty, time spent  
14 participating in the jury selection process, or time spent  
15 actually serving on a jury ~~be given time off from employment~~  
16 ~~to serve upon the jury~~ for which such employee is summoned,  
17 regardless of the employment shift such employee is assigned  
18 to at the time of service of such summons. An employee shall  
19 give his employer reasonable notice of required jury service.  
20 An employer may not deny an employee time off for jury duty  
21 because such employee is then assigned to work a night shift  
22 of employment, that is, an employer cannot require a night  
23 shift worker to work while such employee is doing jury duty  
24 in the daytime. Nothing in this subsection (a) shall be  
25 construed to require an employer to provide annual, vacation,  
26 or sick leave to employees under the provisions of this  
27 Section who otherwise are not entitled to such benefits under  
28 company policies.

29 (b) No employer shall discharge, threaten to discharge,  
30 intimidate or coerce any employee by reason of the employee's  
31 jury service, or the attendance or scheduled attendance in

1 connection with such service, in any court of this State.

2 (c) If an employee gives reasonable notice of required  
3 jury service, any employer who violates the provisions of  
4 this Section:

5 (1) may be charged with contempt of court. In such  
6 an event, the State's Attorney shall file a petition for  
7 civil contempt, criminal contempt, or both, against the  
8 employer to be prosecuted by the State's Attorney; and

9 (2) shall be liable for damages for any loss of  
10 wages or other benefits suffered by an employee by reason  
11 of the violation; and

12 (3) may be enjoined from further violations of this  
13 Section and ordered to reinstate any employee discharged  
14 by reason of jury service.

15 As used in this Section, "reasonable notice of required  
16 jury service" means that the employee summoned for jury duty  
17 must deliver to the employer a copy of the summons within 10  
18 days of the date of issuance of the summons to the employee.

19 (d) Any individual who is reinstated to a position of  
20 employment in accordance with this Section shall be  
21 considered as having been on furlough or leave of absence  
22 during his period of jury service, shall be reinstated to his  
23 position of employment without loss of seniority, and shall  
24 be entitled to participate in insurance or other benefits  
25 offered by the employer under established rules and practices  
26 relating to employees on furlough or leave of absence in  
27 effect with the employer at the time the individual entered  
28 upon jury service.

29 (e) In any action or proceeding under this Section, the  
30 court may award a prevailing employee who brings the action  
31 by retained counsel a reasonable attorney's fee.

32 (f) Any right or remedy provided in this Section is in  
33 addition to any right or remedy otherwise provided by law to  
34 an employee.

1 (g) No employer shall be obligated to compensate an  
2 employee for time taken off for jury duty.

3 (g-5) A court shall automatically postpone and  
4 reschedule the service of a summoned juror employed by an  
5 employer with 5 or fewer full-time employees, or the  
6 equivalent, if another employee of that employer is summoned  
7 to appear during the same period. The postponement will not  
8 constitute the excused individual's right to one automatic  
9 postponement pursuant to Section 10.3 of this Act.

10 (h) The official responsible for issuing the summons may  
11 advise the juror of his rights under this Act by printed  
12 insert with the summons or on the summons itself.

13 (Source: P.A. 86-1395; 87-616.)

14 (705 ILCS 305/5) (from Ch. 78, par. 5)

15 Sec. 5. Subsequent selection of jurors; length of  
16 service.

17 (a) At the time of making such selection, the name of  
18 the person selected shall be checked off from such list, and  
19 shall not be again selected as a juror till every person  
20 named upon such list qualified to serve as a juror has been  
21 selected; and all subsequent selections of jurors by such  
22 board shall be made from such list until all persons thereon  
23 qualified to serve have been selected, or until a new list is  
24 made: Provided, if any person who has been selected as a  
25 juror shall not have been drawn, or have served upon a jury  
26 during the year for which he was selected, he shall, if  
27 qualified, be selected for the next year.

28 (b) In counties with populations greater than 100,000,  
29 service of prospective petit jurors shall be for no more than  
30 one court day in actual attendance, unless a prospective  
31 petit juror is selected to serve on a jury or is under  
32 consideration to serve on a jury and such consideration  
33 covers a period of 2 or more days. Once selected, a petit

1 juror shall serve on the jury for the duration of the trial  
2 unless excused by the presiding judge.

3 (Source: P.A. 86-1053.)

4 (705 ILCS 305/8) (from Ch. 78, par. 8)

5 Sec. 8. Selection from box.

6 (a) Upon a day designated by the judge of the court,  
7 which shall be at least 20 days before the first day for  
8 which any of the panel then to be drawn is summoned, the  
9 clerk of such court shall repair to the office of the county  
10 clerk, and in the presence of a judge and of such county  
11 clerk, after the box containing the names has been well  
12 shaken by the county clerk, and being blindfolded shall,  
13 without partiality, draw from such box the names of a  
14 sufficient number of such persons, then residents of the  
15 county, not less than 30 for each 2 weeks that such court  
16 will probably be in session for the trial of common law  
17 cases, to constitute the petit jurors for the time being and  
18 where there is an additional judge in such court, a like  
19 number for each additional judge requiring a jury, unless the  
20 court shall otherwise order: Provided, that the clerk shall  
21 at any time, when directed by an order of the court draw in  
22 the manner above provided, such number of persons then  
23 residents of the county, as shall be required by the order to  
24 act as petit jurors in such court for such time as may be  
25 fixed in such order: And provided, that should the clerk draw  
26 from the box the name of a person who is known to be dead, to  
27 have been selected as a grand juror, a non-resident, absent  
28 from the State, ~~unable-to-attend-in-consequence--of--illness,~~  
29 or that he is legally disqualified to serve as a juror, the  
30 clerk shall report the name of such person to the county  
31 clerk, and the clerk of such court shall draw other names  
32 until the required number have been selected: Provided, also  
33 that whenever there is pending for trial in any of the

1 courts, any criminal cause wherein the defendant is charged  
 2 with a felony, and the judge holding such court is convinced  
 3 from the circumstances of the case that a jury cannot be  
 4 obtained from the regular panel to try the cause, the judge  
 5 may in his discretion, prior to the day fixed for the trial  
 6 of the cause, direct the clerk to draw (in the same manner as  
 7 the regular panel is drawn,) not exceeding 100 names as a  
 8 special panel from which a jury may be selected to try the  
 9 cause.

10 (b) Notwithstanding the provisions of subsection (a),  
 11 names of jurors may be randomly drawn by computer.

12 (Source: P.A. 86-1053.)

13 (705 ILCS 305/10.2) (from Ch. 78, par. 10.2)

14 Sec. 10.2. Excusing prospective jurors; hardship.

15 (a) An individual may apply to be excused from jury  
 16 service for a period of up to 24 months, instead of seeking a  
 17 postponement, when either: The--county--boards--of--the  
 18 respective--counties,--the--jury--commissioners---for---those  
 19 eounties--which-have-been-appointed-under-the-Jury-Commission  
 20 Act,--or-a-jury-administrator-shall-submit--questionnaires--to  
 21 prospective--jurors-to-inquire-as-to-their-qualifications-for  
 22 jury-service-and-as-to-the-hardship-that-jury--service--would  
 23 pose--to--the--prospective-jurors.-Upon-prior-approval-by-the  
 24 chief-judge-of-the-judicial-circuits-in-which-a-county-board,  
 25 jury-administrator,--or-jury-commissioners-are--situated,--the  
 26 county-board,--jury-administrator,--or-jury-commissioners-shall  
 27 excuse---a---prospective--juror--from--jury--service--if--the  
 28 prospective-juror-shows-that-such--service--would--impose--an  
 29 undue--hardship--on--account-of-the-nature-of-the-prospective  
 30 juror's-occupation,--business-affairs,--physical-health,--family  
 31 situation,--active-duty-in--the--Illinois--National--Guard--or  
 32 Illinois--Naval-Militia,--or-other-personal-affairs,--and-cause  
 33 his-or-her-name-to-be-returned-to-the-jury--list--or--general

1 jury-list-

2 (1) The prospective juror has a mental or physical  
3 condition that causes him or her to be incapable of  
4 performing jury service. The juror, or the juror's  
5 personal representative, must provide the court with  
6 documentation from a physician licensed to practice  
7 medicine in all its branches verifying that a mental or  
8 physical condition renders the person unfit for jury  
9 service for a period of not less than the 24 month period  
10 for which the excuse is sought; or

11 (2) Jury service would otherwise cause undue or  
12 extreme physical or financial hardship to the prospective  
13 juror or a person under his or her care or supervision. A  
14 judge of the court for which the individual was called to  
15 jury service shall make determinations regarding undue or  
16 extreme physical or financial hardship. The authority to  
17 make these determinations is delegable only to court  
18 officials or personnel who are authorized by the laws of  
19 this State to function as members of the judiciary.

20 (b) A person asking to be excused from jury service  
21 under this Section must take all actions necessary to have  
22 obtained a ruling on that request by no later than the date  
23 on which the individual is scheduled to appear for jury duty.

24 (c) For purposes of this Section, "undue or extreme  
25 physical or financial hardship" is limited to circumstances  
26 in which an individual would:

27 (1) Be required to abandon a person under his or  
28 her personal care or supervision due to the impossibility  
29 of obtaining an appropriate substitute caregiver during  
30 the period of participation in the jury pool or on the  
31 jury; or

32 (2) Incur costs that would have a substantial  
33 adverse impact on the payment of the individual's  
34 necessary daily living expenses or on those for whom he

1       or she provides the principal means of support; or  
2           (3) Suffer physical hardship that would result in  
3       illness or disease.

4       "Undue or extreme physical or financial hardship" does  
5       not exist solely based on the fact that a prospective juror  
6       will be required to be absent from his or her place of  
7       employment.

8       A person asking a judge to grant an excuse based on  
9       "undue or extreme physical or financial hardship" shall be  
10       required to provide the judge with documentation, such as,  
11       but not limited to, federal and State income tax returns,  
12       medical statements from licensed physicians, proof of  
13       dependency or guardianship, and similar documents, which the  
14       judge finds to clearly support the request to be excused.  
15       Failure to provide satisfactory documentation shall result in  
16       a denial of the request to be excused.

17       (d) After 24 months, a person excused from jury service  
18       shall become eligible once again for qualification as a juror  
19       unless the person was excused from service permanently. A  
20       person is excused from jury service permanently only when the  
21       judge determines that the underlying grounds for being  
22       excused are of a permanent nature.

23       (e) (b) When an undue hardship caused by a family  
24       situation is due to the prospective juror being the primary  
25       care giver of a person with a mental or physical disability,  
26       a person with a medically diagnosed behavior problem, or a  
27       child under age 12, then the county board, jury commissioners  
28       or jury administrator shall excuse such a prospective juror,  
29       if it finds that no reasonable alternative care is feasible  
30       which would not impose an undue hardship on the prospective  
31       juror or the person for whom the prospective juror is  
32       providing care, or both.

33       (Source: P.A. 90-482, eff. 1-1-98; 91-264, eff. 7-23-99.)

1 (705 ILCS 305/10.3 new)

2 Sec. 10.3. Postponement of jury service.

3 (a) Notwithstanding Section 10.2 or any other provision  
4 of this Act, individuals scheduled to appear for jury service  
5 have the right to postpone the date of their initial  
6 appearance for jury service one time only. When requested,  
7 postponements shall be granted, provided that:

8 (1) The juror has not previously been granted a  
9 postponement;

10 (2) The prospective juror appears in person or  
11 contacts the clerk of the court by telephone, electronic  
12 mail, or in writing to request a postponement; and

13 (3) Prior to the grant of a postponement with the  
14 concurrence of the clerk of the court, the prospective  
15 juror fixes a date certain on which he or she will appear  
16 for jury service that is not more than 6 months after the  
17 date on which the prospective juror originally was called  
18 to serve and on which date the court will be in session.

19 (b) A subsequent request to postpone jury service may be  
20 approved by a judicial officer only in the event of an  
21 extreme emergency, such as a death in the family, sudden  
22 illness, a natural disaster or a national emergency in which  
23 the prospective juror is personally involved, that could not  
24 have been anticipated at the time the initial postponement  
25 was granted. Prior to the grant of a second postponement, the  
26 prospective juror must fix a date certain on which the  
27 individual will appear for jury service within 6 months of  
28 the postponement on a date when the court will be in session.

29 (705 ILCS 305/15) (from Ch. 78, par. 15)

30 Sec. 15. Failure to attend; misdemeanor. Every person  
31 who shall fail to attend when lawfully summoned to appear as  
32 a grand or petit juror, without having properly obtained  
33 postponement or excuse pursuant to Sections 10.2 and 10.3 a

1 reasonable--excuse, shall--be--considered--as is guilty of a  
 2 Class C misdemeanor and subject to imprisonment or fine of up  
 3 to \$500 in accordance with the laws of this State contempt;  
 4 and--shall--be--fined--by--the--courts,--respectively,--in--any--sum  
 5 not--less--than--\$5--nor--more--than--\$100,--for--the--use--of--the  
 6 proper--county,--unless--good--cause--be--shown--for--such--default;  
 7 and--it--shall--be--the--duty--of--the--court--to--enter--an--order--of  
 8 attachment,--returnable--forthwith,--against--all--such  
 9 delinquents,--and--upon--the--return--thereof--the--court--shall  
 10 proceed--to--assess--the--fine--unless--the--person--or--persons--so  
 11 attached--shall--show--good--cause--for--such--delinquency;  
 12 Provided,--that--the--oath--or--affirmation--of--any--such--delinquent  
 13 shall,--at--all--times,--be--received--as--competent--evidence.

14 (Source: P.A. 83-346.)

15 Section 95. Severability. The provisions of this Act are  
 16 severable. If any portion of this Act is declared  
 17 unconstitutional or the application of any part of this Act  
 18 to any person or circumstance is held invalid, the remaining  
 19 portions of the Act and their applicability to any person or  
 20 circumstance shall remain valid and enforceable.

21 Section 99. This Act takes effect July 1, 2003.